

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, }
Plaintiff, } 8:13CR220
vs. } ORDER
ELIODORO CABRERA, JR., }
DONALD F. NORDEN, }
SHAWN A. MALESKER, and }
LANCE M. WOLFE, }
Defendants. }

This matter is before the court on defendant Eliodoro Cabrera, Jr.'s (Cabrera) motion for an extension of time to file pretrial motions (Filing No. 49). The motion will be granted upon the condition the defendant files the affidavit required by NECrimR 12.1(a) and paragraph 9 of the Progression Order. The deadline for all defendants to file pretrial motions will be extended to September 23, 2013.

IT IS ORDERED:

1. Cabrera's motion for an extension of time to file pretrial motions (Filing No. 49) is granted.
2. Cabrera and all other defendants are given until **on or before September 23, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 29, 2013, and September 23, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
3. Cabrera shall file the affidavit required by NECrimR 12.1(a) and paragraph 9 of the Progression Order on or before August 12, 2013.

DATED this 29th day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge